

STANDARD APPLICATION  
**Harford County**  
**Board of Appeals**  
Bel Air, Maryland 21014

RECEIVED

JUL 14 2005

HARFORD COUNTY COUNCIL

Case No. 5505  
Date Filed 7/13/05  
Hearing Date \_\_\_\_\_  
Receipt \_\_\_\_\_  
Fee \$450.00

Shaded Areas for Office Use Only

Type of Application

- ☐ Administrative Decision/Interpretation  
☐ Special Exception  
☐ Use Variance  
☐ Change/Extension of Non-Conforming Use  
☐ Minor Area Variance  
☒ Area Variance  
☐ Variance from Requirements of the Code  
☐ Zoning Map/Drafting Correction  
☐ \_\_\_\_\_

Nature of Request and Section(s) of Code \_\_\_\_\_

CASE 5505 MAP 60 TYPE Variance

ELECTION DISTRICT 01 LOCATION Parcel 192, Singer Rd, E S Route 152

BY Walter Winder, 2403 E. Churchville Road, Bel Air, Md 21014

and Cheryl Polston, 1741 Judy Way, Edgewood, MD 21040

Appealed because a variance pursuant to Sec. 267-34C, Table II of the Harford County Code to permit a dwelling to encroach the 40' front yard setback (9' proposed), and to encroach the 50' rear yard setback (9' proposed), in the Ag District requires approval by the Board.

**NOTE:** A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Owner (please print or type)

Name Walter Winder Phone Number \_\_\_\_\_  
Address 2403 E Churchville Rd Bel Air, MD 21015  
Street Number Street City State Zip Code

Co-Applicant Cheryl Polston Phone Number 410 671-6546  
Address 1741 Judyway Edgewood MD 21040  
Street Number Street City State Zip Code

Contract Purchaser N/A Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

Attorney/Representative N/A Phone Number \_\_\_\_\_  
Address \_\_\_\_\_  
Street Number Street City State Zip Code

## Land Description

Address and Location of Property Vacant lot, No Address/East of Route 152 on Singer Road

Subdivision N/A

Lot Number N/A

Acreage/Lot Size .078

Election District 01

Zoning AG

Tax Map No. 60 Grid No. 2F Parcel 192 Water/Sewer: Private X Public

List ALL structures on property and current use:

Estimated time required to present case:

If this Appeal is in reference to a Building Permit, state number N/A

Would approval of this petition violate the covenants and restrictions for your property? NO

Is this property located within the County's Chesapeake Bay Critical Area? Yes  No X

If so, what is the Critical Area Land Use designations:

Is this request the result of a zoning enforcement investigation? Yes  No X

Is this request within one (1) mile of any incorporated town limits? Yes  No X

## Request

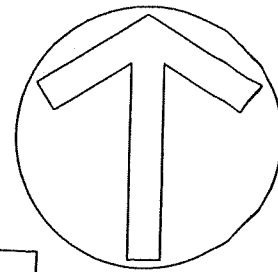
To Allow a 9' Rear yard set back in lieu of the required 50' and 9' front yard setbacks in lieu of the required 40' Pursuant to Table II: Design requirements for specific uses as stated or showing in section 267.34 of the Zoning Code.

## Justification

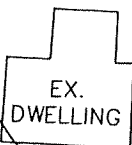
To allow the installation of septic components as stipulated by the Health Dept.

*If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)*

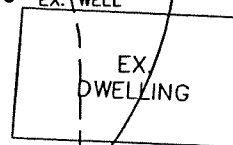
# SINGER ROAD



NORTH



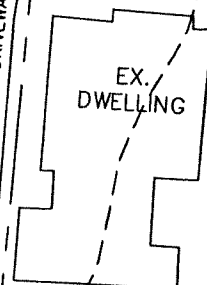
EX. DWELLING



EX. DWELLING

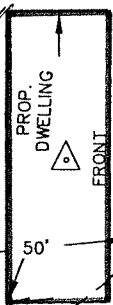
MAP 61 PARCEL 561  
ROBIN JAMES  
2107 SINGER RD.  
JOPPA, MD. 21085

MAP 60 PARCEL 102  
RONALD LANGFORD, JR. & SR.  
2109 SINGER ROAD  
JOPPA, MD. 21085



EX. DWELLING

MAP 61 PARCEL 439  
ROBIN JAMES  
2107 SINGER RD.  
JOPPA, MD. 21085



PROP. DWELLING

FRONT

PROP. DRWY

PERC TEST 1

REPAIR SYSTEM

PERC TEST 2

INITIAL SYSTEM

MAP 60 PARCEL 292  
T C SIMONS, INC.  
P.O. BOX 278  
FALLSTON, MD. 21047

MAP 61 PARCEL 385  
NAOMI BROWN  
2101 SINGER RD.  
JOPPA, MD. 21085

## PLOT PLAN WINDER AND POLSTON PROPERTY TAX MAP 60 PARCEL 192 SINGER ROAD

SCALE: 1" = 50'

DATE: 2/28/2005

**kjWellsInc**

Land Surveyors & Site Planners  
7403 NEW CUT ROAD  
KINGSVILLE, MARYLAND 21087  
(410) 592-8800

### LEGEND:

- FAILED PERC TEST
- MBSL SETBACK LINES PER CODE
- PREVIOUS PERC TESTS (1/13/05)

NOTES:  
LOT CREATED ON JUNE 25, 1973.  
LYD SOILS

22.5  
34.5  
Singer Road  
17.5

**DAVID R. CRAIG**  
HARFORD COUNTY EXECUTIVE



**Anthony S. McClune**  
Acting Director of Planning & Zoning

**LORRAINE COSTELLO**  
DIRECTOR OF ADMINISTRATION

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**HARFORD COUNTY GOVERNMENT**

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Department of Planning and Zoning

August 3, 2005

**STAFF REPORT**

**BOARD OF APPEALS CASE NO. 5505**

APPLICANT/OWNER: Walter Winder  
2403 East Churchville Road, Bel Air, Maryland 21015

Co-APPLICANT: Cheryl Polston  
1741 Judy Way, Edgewood, Maryland 21040

REPRESENTATIVE: Applicants

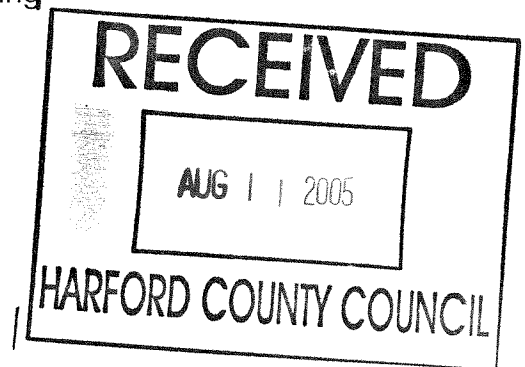
LOCATION: South side of Singer Road east of Mountain Road (MD Route 152)  
Tax Map: 60 / Grid: 2F / Parcel: 192  
Election District: First (1)

ACREAGE: 0.78 of an acre.

ZONING: AG/Agricultural

DATE FILED: July 13, 2005

HEARING DATE: August 29, 2005



**APPLICANT'S REQUEST and JUSTIFICATION:**

Request:

"To allow a 9' rear yard setback in lieu of the required 50-foot, and a 9-foot front yard setbacks in lieu of the required 40-feet. Pursuant to Table II; Design requirements for specific uses as stated or shown in Section 267-34 of the Zoning Code."

*~ Preserving Harford's past, promoting Harford's future ~*

MY DIRECT PHONE NUMBER IS (410) 638-3103  
220 SOUTH MAIN STREET, BEL AIR, MARYLAND 21014 • [www.harfordcountymd.gov](http://www.harfordcountymd.gov)

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### Justification:

“To allow the installation of septic components as stipulated by the Health Department.”

### **CODE REQUIREMENTS:**

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to permit a dwelling to encroach the 40-foot front yard setback (9-feet proposed), and to encroach the 50-foot rear yard setback (9-feet proposed) in the AG/Agricultural District.

Enclosed with the report is a copy of Section 267-34C, Table II of the Harford County Code (Attachment 1).

### **LAND USE and ZONING ANALYSIS:**

#### Land Use – Master Plan:

The subject property is situated on the south side of Singer Road, approximately 1800-feet east of Mountain Road (MD Route 152). A location map and a copy of the Applicant's site plan are enclosed with the report (Attachments 2 and 3).

The Applicants property is located outside of the Development Envelope. The predominant land use designation in this area of the County is Agricultural. The Natural Features Map reflects Parks, Agricultural Preservation Easements and Districts, Sensitive Species Project Review Areas, and Stream Systems. The subject property is designated as Agricultural which is defined by the 2004 Master Plan as:

**Agricultural** – Areas where agriculture is the primary land use, but where developments rights are available. Residential development is possible at a density of 1.0 dwelling unit for every 10 acres. Commercial uses within this area are intended to serve the agriculture industry or residents of the area while maintaining the character of the surrounding countryside.

Enclosed with the report are copies of portions of the 2004 Land Use Map and the Natural Features Map (Attachments 4 and 5).

#### Land Use – Existing:

The existing land uses conform to the overall intent of the 2004 Master Plan. The predominant land use is Agricultural which includes cropland, pastureland and large areas of dense woodland. There are minor residential subdivisions and scattered residences located along Singer Road and MD 152. The Mountain Branch Golf Course is located just to the north of the site. Institutional uses include parks and churches. The topography of the area ranges from rolling to steep,

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Walter Winder & Cheryl Polston

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especially near the stream valleys. A copy of the topography map and aerial photograph are enclosed with the report (Attachments 6 and 7).

The subject property is a small irregular shaped panhandle lot located approximately 1800-feet east of Mountain Road (MD Route 152) with approximately 50-feet of frontage on the south side of Singer Road. The lot is approximately 0.78 of an acre in size which includes the panhandle portion of the lot. The main body of the lot which sits approximately 250-feet back from Singer Road was densely wooded. A portion has been cleared to establish the septic reserve area and the house site. Because of the area needed for the septic system the building envelope is extremely small. Across the main body of the lot the topography drops approximately 20-feet in elevation from west to east. The proposed dwelling will be located to the western and higher side of the lot as shown on the Applicant's site plan. The site shares an access with several other properties. Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

### Zoning:

The zoning classifications in the area are consistent with the 2004 Master Plan as well as the existing land uses. The primary zoning classification is AG/Agricultural, including the subject property. There are a few areas of RR/Rural Residential. Enclosed with the report is a copy of the Zoning Map (Attachment 10).

### SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-34C, Table II of the Harford County Code to permit a dwelling to encroach the 40-foot front yard setback (9-feet proposed), and to encroach the 50-foot rear yard setback (9-feet proposed) in the AG/Agricultural District requires.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the applicant must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

The Department finds that the subject property is unique. The required location of the septic system and the configuration of the parcel severely restricts the buildable area of the property. Given the constraints of the property the proposed house site is the only possible area to locate the dwelling. The dwelling will still be approximately 150 feet from the nearest adjacent dwelling. The land to the rear is a sand and gravel operation which will not be impacted by the reduced setbacks. The requested variance will not adversely impact the adjoining properties or the intent of the Code.

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**RECOMMENDATION and or SUGGESTED CONDITIONS:**

The Department of Planning and Zoning recommends that the requested variance be approved subject to the following conditions.

1. The Applicant shall obtain all necessary permits and inspections for the location of the dwelling, well and septic system.
2. The Applicant shall provide landscaping between the dwelling and the front and rear property lines. A landscaping plan shall be submitted to the Department of Planning and Zoning for review and approval.



Dennis J. Sigler, Coordinator  
Zoning & Board of Appeals Review



Anthony S. McClune, Acting Director  
Department of Planning and Zoning

DJS/ASM/jf